

## **REMARKS**

### **Summary of the Examiner's Actions**

The examiner objected to Claim 38 because of a typographical error. Assignee acknowledges the objection.

The examiner rejected Claim 27 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. Assignee acknowledges the rejection under 35 U.S.C. § 112, second paragraph.

The examiner rejected Claims 24, 27, 29-36, and 38-40 under 35 U.S.C. § 103(a) as being obvious under Jeong, et al., U.S. Patent Number 6,757,471 ("Jeong"), in view of Griffin, U.S. Patent Number 6,282,349 ("Griffin"). Assignee acknowledges the rejection under 35 U.S.C. § 103(a).

The examiner allowed Claims 1-8, 10-21, 25, and 26. Assignee appreciates such indication.

### **Objections to the Claims**

The examiner objected to Claim 38 stating that the word "interesting" should be "intersecting." Assignee has amended Claim 38 as requested to correct this typographic error.

### **Rejections under 35 U.S.C. § 112, second paragraph**

The examiner rejected Claim 27 under 35 U.S.C. § 112, second paragraph as being indefinite because the preamble indicates a method for forming an optical device without including a limitation for any optical device or optical element in the body of the claim.

Assignee has amended Claims 27 and 29 to recite "optical member" and "support member" in place of "first member" and "second member," respectively. Accordingly, it is respectfully submitted that the examiner's rejection of Claim 27 under 35 U.S.C. § 112, second paragraph has been traversed.

### **Rejections under 35 U.S.C. § 103(a)**

The examiner rejected Claims 24, 27, 29-36, and 38-40 35 U.S.C. § 103(a). In order to support a rejection under 35 U.S.C. § 103(a), "the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP § 2142, pg. 2100-121, 8th ed. "To reach a proper determination under 35 U.S.C. § 103(a), the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made." *Id.* The first element in establishing a *prima facie* case of obviousness is that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings." MPEP § 2143, pg. 2100-122, 8th ed. The second element is that there "must be a reasonable expectation of success." *Id.* The third element is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." *Id.*

With regard to the claims rejected under 35 U.S.C. § 103(a), the examiner addressed the Assignee's response by stating:

The applicant amended claim 27 to include a limitation stating that the openings define volumes and lines parallel to the openings, whereas Jeong allegedly does not teach these features. The examiner respectfully disagrees with this interpretation of the Jeong reference. The examiner has designated slots 607 608, which are defined by three ridges 604 605 606 and the slots are parallel to the three ridges 604 605 606, to be the two openings claimed. Jeong therefore defines both the volumes and the lines as claimed. (See 35 USC 103 (a) rejection below for details.)

In the actual rejection, the examiner states:

Jeong teaches a method of making an optical block assembly having a first optical member F21BF and a second member for fixing and supporting the first optical member. (See at least Fig. 7 and its descriptions) The second member includes a cover C5 and a block 30 with V-grooved aperture 310 to receive the first optical member F2/BF. (See at least Fig. 5 and its descriptions) The method further includes placing the cover C5 across and in contact with the fibers BF, as the cover C5 is fixated at a distant position from the fiber BF by three ridges 604 605 606, wherein the three ridges define two different slots/openings 607 608. (See at least Fig. 6 and description) Thus, there exists a split due to the presences of the slots/openings between the bare-fiber BF and the bottom surface of the cover C5, to which the adhesive, epoxy-resin B, is filled in and hardened/cured. Each of the slots defines an inside surface 602 603, and the surfaces further defines lines at their edges parallel to longitudinal axes of the openings and thus substantially perpendicular to and intersecting the fibers BF.

Independent Claims 27, 32, 38, and 39 currently stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Jeong and Griffin. Assignee has amended each independent to better recite the geometrical relationship between the optical element and the opening for receiving the adhesive that fixes the position of the optical element within the support member. Specifically, in Claim 39, Assignee has included the limitation that the optical element defines a chord substantially perpendicular to the internal face of the opening receiving the optical element.

Amended wording in Claims 27 and 38 states that the optical element defines a chord that is substantially collinear with a line parallel to the longitudinal axis of the through-opening.

The amended preamble of Claim 32 describes the structure applicable to the method of Claim 32. The structure indicates that the optical element defines a line collinear with a chord of the optical element that passes through at least one of the pair of seams.

Claim 38 has been further amended to describe a single through-opening rather than a pair of through-openings to simply the language used therein and effectively broaden the scope by allowing only a single through-opening. As other claims have previously contemplated a single through-opening this amendment should not require further searching.

Assignee respectfully submits that each of these variations provides sufficient spatial relationship parameters to avoid structure of Jeong. The examiner points to openings 607, 608 in Jeong Figure 6 as elements corresponding to the second opening (Claim 27), the pair of seams (Claim 32), and the through-openings (Claims 38, 39). The examiner notes that the slots 607, 608 each defines an inside surface 602, 603 (Claims 27, 39), and that the surfaces 602, 603 define lines at their edges that are parallel to longitudinal axes of the openings and, thus, substantially perpendicular to and intersecting the fibers BF (previous Claims 27, 38, and 39). Jeong does not disclose that the slots 607, 608 are aligned with the optical element nor provided any motivation to do so. It is respectfully submitted that the currently amended language presents sufficient structural distinctions not taught by Jeong to overcome the current rejection.

Claims 24, 29-31, and 33-36 are dependent on Claims 27, 32, and 39 discussed above and believed to be allowable over the cited prior art. Claim 40 has been cancelled. Based on the arguments presented herein, it is respectfully submitted that the rejection of Claims 24, 27, 29-36, and 38-40 under 35 U.S.C. § 103(a) has been traversed.

## **Summary**

In view of the amendment of Claims 27, 29, 32, 38, 39, the cancellation of Claims 40, without prejudice, and the arguments presented herein, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the examiner is respectfully requested. If, however, the examiner is of

the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910 (29165.00).

Respectfully submitted,

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